

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:17-cv-00291

KATHY V. LUNA,

Plaintiff,

v.

GUILFORD COUNTY, NORTH
CAROLINA,

Defendant.

**DEFENDANT'S MOTION
TO DISMISS FOR FAILURE
TO PROSECUTE**

NOW COMES Defendant Guilford County, North Carolina, through counsel, pursuant to Federal Rule of Civil Procedure 41(b), and requests that the Court dismiss with prejudice the above-captioned action.

In support of its Motion, Defendant shows the Court that Plaintiff has effectively abandoned her action through her noncompliance with Court orders, her failure to communicate with her attorney, and her failure to adequately respond to discovery in a timely and complete manner. Despite Defendant's repeated efforts to push the action forward, Plaintiff has failed to attend two hearings at which the Court ordered her attendance, failed to attend her deposition which was ordered by the Court, failed to adhere to discovery deadlines approved by Court order, failed to attend a mediated settlement conference ordered by the Court, and failed to comply with the Court's order to supplement discovery responses. Defendant further shows the Court, in the

accompanying Defendant's Brief in Support of Motion to Dismiss for Failure to Prosecute, that Plaintiff has effectively abandoned this civil action through her inaction.

WHEREFORE, Defendant requests that the aforesaid dismissal operate as an adjudication on the merits in favor of the Defendant and that the Court dismiss this action with prejudice for failure of Plaintiff to prosecute the action.

Respectfully submitted, this the 26th day of January, 2018.

/s/ Fred T. Hamlet

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CERTIFICATE OF SERVICE

I hereby certify that, on this day, the foregoing **DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO PROSECUTE** was electronically filed with the Clerk of the Court using the CM/ECF system; and I hereby certify that I have mailed a copy of the document to the following person(s), by placing a copy of the same in the United States Mail, properly addressed and with the correct amount of postage affixed thereto:

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This the 26th day of January, 2018.

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